

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 515)**

INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition on June 14, 2010, from Mr. John R. McCullough (Petitioner) of Wells Fargo Insurance Services USA, Inc. The Petitioner requests the Board to amend Title 8, California Code of Regulations, to adopt a definition of Certified Safety Professional.

Labor Code section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health and requires the Board to consider such proposals and render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

SUMMARY

The Petitioner states that Certified Industrial Hygienist, Registered Engineer (Professional Engineer), and Certified Marine Chemist definitions are found in Title 8 and elsewhere in California statutes; however, the term Certified Safety Professional and/or the acronym CSP are not. Mr. McCullough cited an incident where a speaker during a safety symposium was introduced as a CSP, a Certified Speaking Professional, a designation awarded by the National Speakers Association and not by the Board of Certified Safety Professionals (BCSP) which bestows the Certified Safety Professional designation. The CSP acronym represents a number of certified professionals in other industries as well.

The Petitioner requests that the Board adopt a definition for Certified Safety Professional similar to the definition submitted with his petition. In his letter, Mr. McCullough also recommends that the Board be more consistent in Title 8 by using either the upper case designation (i.e., Certified Safety Professional) or the lower case version (i.e., certified safety professional) as he claims they are not the same.

DIVISION'S EVALUATION

The Division's evaluation was received by Board staff on July 29, 2010. According to Division staff, the term "certified safety professional" as used in the confined space standards contained in Section 5157(1) of Appendix B, is just one of the examples of a technically qualified

professional. Division staff reasons that as used in this section, there is no requirement that a certified safety professional, or any other of the professionals on the list, perform the evaluation testing. Further, the Division notes that in a contrasting example, Section 8354, Subchapter 18 (Ship Building, Ship Repairing and Ship Breaking Safety Orders), there is a specific requirement that either a certified industrial hygienist or certified marine chemist performs tests on tanks and other confined spaces and both designations are clearly defined.

Division staff states that the Petitioner does not give examples of problems that employers or employees have had in understanding or applying the atmospheric testing procedures contained in Appendix B of Section 5157 due to the fact that “Certified Safety Professional” is not defined. The Division notes that it is unaware of any problems relating to the lack of a definition. Division staff believes that the petition does not meet the standard of necessity required for rulemaking. Therefore, the Division does not support the Petitioner’s request.

STAFF’S EVALUATION

Board staff reviewed the following submission by the Petitioner for a suggested definition of a Certified Safety Professional: “A Certified Safety Professional (CSP) is an individual who holds a current certification as an active Certified Safety Professional (CSP) as issued by the Board of Certified Safety Professionals of Burwash, IL.” However, BCSP publishes a definition for CSP in their candidate handbook and Board staff believes that this established definition should be considered: “A Certified Safety Professional is a safety professional who has met and continues to meet all requirements established by the Board of Certified Safety Professionals and is authorized by the Board of Certified Safety Professionals to use the Certified Safety Professional title or the CSP designation.”

The Petitioner opines that the Board should be more consistent in its regulations as Certified Safety Professional and certified safety professional are not the same. Board staff’s research indicates that the established definition of CSP, Certified Safety Professional, whether in either lower or upper case usage, are equivalent and would have no bearing on meaning except for emphasis or maintaining consistency with other designations or credentials identified in the text. The term certified safety professional is not a generic term with multiple or casual meanings, it is established as a specific credential, a professional title conferred on those who pass an examination administered by the BCSP and is also defined in the ANSI Z590.2 standard. A definition for CSP should be considered for inclusion in the Title 8 safety orders to ensure consistency and clarity.

Board staff has found that Title 8 defines Certified Industrial Hygienist (Sections 5208 and 8354), Registered Engineer (i.e., Professional Engineer, Section 3901), and Certified Marine Chemist (Section 8354) and those terms are used in the safety orders.

In conformance with other credentialed professionals defined in Title 8, the definition of Certified Safety Professional would add clarity and provide consistency in the text. Thus, Board staff recommends that the petition be granted.

CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition of Mr. John R. McCullough (Petitioner) of Wells Fargo Insurance Services USA, Inc., to amend Title 8, California Code of Regulations, to adopt a definition of Certified Safety Professional. The Board has also considered the recommendations of the Division and Board staff. The Petition is hereby GRANTED to the extent that Board staff develop a rulemaking proposal to amend Title 8 to include the BCSP or other appropriate definition of Certified Safety Professional for the Board's consideration at a future Public Hearing.